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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,935	04/26/2001	Michael Kozhukh	INTL-0561-US (P11332)	1185

7590

10/23/2002

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EXAMINER

CHANG, AUDREY Y

ART UNIT

PAPER NUMBER

2872

DATE MAILED: 10/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application N .

09/842,935

Applicant(s)

KOZHUKH, MICHAEL

Examiner

Audrey Y. Chang

Art Unit

2872

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 15 October 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☒ Applicant's reply has overcome the following rejection(s): rejection to claim 1 under 35 USC 112, second paragraph.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-6, 8-13 and 16-30.

Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
10. ☐ Other: _____

Audrey Y. Chang
Primary Examiner
Art Unit: 2872

Continuation of 5. does NOT place the application in condition for allowance because: Applicant's arguments are not persuasive to overcome the rejection. The structural relationships among the elements are essential because it is not clear if the absorbing layer is also covered by the insulator, this amounts to different properties. The applicant is respectfully reminded that it is well known in the art that the thickness of the layer determines the transmittance/reflectance/absorptance of a filter. The cited Li reference teaches that the color coating layer comprises the same layer material as claimed and is designed as color filter for blue light which means it is capable of absorbing blue light. This implies the thickness of the layer is either implicitly of the cited thickness or in the order of the cited thickness in order to achieve as blue filter. With regard to claim 16, the examiner agrees the silver layer is formed directly on the silicon substrate however the specification fails to teach the criticality of such feature would overcome any problem in the prior art such as to use an adhesive layer for enhancing the adherence between the silver layer and the silicon substrate. Such modification is considered to be obvious matters of design choice. The applicant fails to provide arguments to respond such rejection as stated in the previous Office Action. The mirror comprising silver layer formed on the silicon substrate either directly or via an adhesive layer does not affect the property of the mirror. The specification certainly fails to provide such difference to make a novel feature. Novelty is the essential feature for patent.